

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CODY STEWART, AMY STEWART AND  
FAITH STEWART AND CLAYTON STEWART, MINORS,  
BY AND THROUGH THEIR NATURAL  
GUARDIANS, CODY STEWART AND AMY STEWART** **PLAINTIFFS**

**VERSUS** **CAUSE NO. 1:18-cv00053-HSO-JCG**

**HUNT SOUTHERN GROUP, LLC FKA  
FOREST CITY SOUTHERN GROUP, LLC,  
FOREST CITY RESIDENTIAL MANAGEMENT, LLC,  
UNKNOWN JOHN AND JANE DOES A THROUGH M, AND  
OTHER UNKNOWN CORPORATE ENTITIES N THROUGH Z** **DEFENDANTS**

**STEWART PLAINTIFFS' MOTION TO STRIKE THE  
OPINIONS AND TESTIMONY OF DEXTER WINN WALCOTT, MD OR, IN THE  
ALTERNATIVE, FOR DAUBERT HEARING**

COME NOW PLAINTIFFS, by and through their counsel, and file this Motion to Strike the Opinions and Testimony of Dexter Winn Walcott, MD or, in the alternative, for Daubert Hearing. Plaintiffs' motion, which is supported by an accompanying Memorandum of Law, will show that Dr. Walcott's opinions do not qualify as appropriate expert testimony under the Federal Rules of Evidence or the applicable case law. Accordingly, Plaintiffs respectfully request the Court GRANT Plaintiffs' motion and strike Dr. Walcott's testimony and opinions.

1. Plaintiffs in this case, and twelve related cases, bring claims against Defendants for personal injuries arising from their exposure to mold in Plaintiffs' military housing units at Keesler AFB. Plaintiffs allege they were exposed to mold contamination for which Defendants were liable, leading to a variety of property damage and physical health issues. Discovery is ongoing, with an eye towards a trial setting on February of 2020.

2. Defendants intend to call Dr. Walcott as an expert in this case after an examination of Plaintiff; this examination was after the Court granted their request for a medical examination

pursuant to Federal Rule of Civil Procedure 35. According to the report, Dr. Walcott is board-certified in Pediatrics and Asthma, Allergy and Immunology. The gravamen of Dr. Walcott's medical opinion is that Plaintiff's various health symptoms, although typically consistent with exposure to mold, were not attributable to mold exposure. In addition, Dr. Walcott's report repeatedly casts aspersions on the validity and quality of the mold testing performed on Plaintiffs' residence, despite a lack of personal knowledge or expertise with regard to mold testing.

3. Plaintiffs move to strike Dr. Walcott's opinions under Federal Rules of Evidence 702 and 704, as the testimony would contain inadmissible conclusions outside the doctor's realm of skill, knowledge and expertise and contain improper legal conclusions. In addition, Dr. Walcott's opinions contain speculation and/or conjecture, and are not founded upon proper methodology and are thus unreliable under *Daubert v. Merrell Dowell Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and its progeny.

4. Plaintiffs' motion is premised upon the arguments and authorities presented in the accompanying Memorandum in Support of Plaintiffs' motion.

5. Plaintiffs further request that this Court conduct a hearing to determine whether the opinions in the reports of Defendants' experts are "proper and reliable" as Plaintiffs are challenging the qualifications of Defendants' experts, the relevance of their testimony, and the reliability of their opinions which warrant further inquiry by the Court.

6. In support of this motion Plaintiffs rely upon the following exhibits:

**Exhibit 1** attached, Rule 35 Reports – Cody Stewart, Amy Stewart, Faith Stewart and Clayton Stewart

**Exhibit 2** to be filed under seal, Mold Awareness Training: Awareness Training for All On-Site Associates, at 1-2 (FRCM00001609)

**Exhibit 3** to be filed under seal, Mold & Mildew: Mold Awareness for Residents of Our Apartment Community, at 1-2 (FCRM00000096)

**Exhibit 4** to be filed under seal, What You Should Know About Mold, at 1 (Hunt – Gen05-00812).

Accordingly, Plaintiffs respectfully request the Court GRANT Plaintiffs' Motion and Strike Dr. Walcott's opinions and testimony in this case.

Respectfully submitted this the 10th day of May, 2019.

RUSHING & GUICE, P.L.L.C.  
Attorneys for Plaintiffs

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of May, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system which sent notification of such filing to all counsel of record.

SO CERTIFIED this the 10th day of May, 2019.

/s/ Maria Martinez  
MARIA MARTINEZ